

VIDEOTAPED ORAL DEPOSITION OF JUSTIN FRANK EJEM

Page 108

1 week it was?

2 A. No, sir.

3 Q. Did you say anything to tell him to stop?

4 A. I just got away from him.

5 Q. How did you do that?

6 A. I pushed him away from me.

7 Q. You pushed him away from you.

8 Was that before -- did he actually put his
9 penis in your bottom, or not?

10 A. Sir?

11 Q. Did he -- you said you felt him trying to put
12 his penis in your bottom. And my -- what I'm asking you
13 is: Did he actually put his penis in your bottom before
14 you --

15 A. Yes, he did.

16 Q. Okay. But -- but you pushed him away?

17 A. Yes.

18 Q. All right.

19 A. And then I pulled my pajama bottoms and
20 everything up and I ran and told Matt what happened and
21 he never did nothing.

22 Q. You told Matt what had happened --

23 A. Yes.

24 Q. -- that night?

25 A. Yes.

VIDEOTAPED ORAL DEPOSITION OF JUSTIN FRANK EJEM

Page 114

1 What -- what exactly did you tell him?

2 What words did you use?

3 A. I -- I told him, Matt, I just got sexual
4 assaulted.

5 Q. That's -- that's what you told him?

6 A. Yes.

7 Q. You said sexual assaulted and -- and what did
8 he say?

9 A. Don't worry about it, I'll try to deal with it.
10 But he didn't do nothing.

11 Q. Okay. I -- I understand that you have other
12 parts of the story you want to tell me but, again, I
13 want you to just answer my question, Justin. We're
14 going to get the whole thing on the table. You told him
15 that night that, I was sexually assaulted.

16 Did you tell him who you were sexually
17 assaulted by?

18 A. Yes.

19 Q. So what exactly did you tell him?

20 A. I told him I got sexual assaulted by Ethan, and
21 he didn't -- he didn't do nothing.

22 Q. He just -- he just seemed like that was no big
23 deal?

24 A. Yeah.

25 Q. And he -- and the other person who was working

VIDEOTAPED ORAL DEPOSITION OF JUSTIN FRANK EJEM

Page 116

1 A. That night they wouldn't let me.

2 Q. What?

3 A. They wouldn't let me that one night.

4 Q. Who wouldn't let you?

5 A. Matt and them wouldn't let me call my dad.

6 Q. Did you ask to call your dad?

7 A. Yes.

8 Q. Okay, because I asked you what you told -- what
9 y'all talked about several times, and all you told me
10 was that, He sexually assaulted me, and Matt said, Don't
11 worry about it.

12 You also asked Matt, if I -- if I
13 understand what you're telling me, that you wanted to
14 call your dad?

15 A. Yes.

16 Q. And he said no?

17 A. Yes.

18 Q. All right. So the next -- so you stayed up
19 that whole night. You didn't sleep?

20 A. Yes.

21 Q. And then you went to school the next day?

22 A. Yes.

23 Q. Do you remember what day of the week that was?

24 A. No, sir.

25 Q. Did you talk to your counselors about what had

VIDEOTAPED ORAL DEPOSITION OF JUSTIN FRANK EJEM

Page 117

1 happened?

2 A. No, sir.

3 Q. And when -- when was the next time that you
4 talked to your dad?

5 A. When he came and got me.

6 Q. Okay. But you -- so you didn't talk to him
7 every day just as a routine thing?

8 A. Yes.

9 Q. You did talk to him every day?

10 A. No.

11 Q. No. Why didn't you call him the next day and
12 say, Hey, I -- this is what happened and I want --

13 A. They wouldn't let me still.

14 Q. Who wouldn't let you the next day?

15 A. The staff --

16 Q. Who --

17 A. -- who worked there.

18 Q. Who? Was it a man or a woman?

19 A. Man. It was Matt and another guy.

20 Q. But there were -- there were three different
21 shifts of people --

22 A. Yes.

23 Q. -- so I mean Matt wasn't there 24 hours a day.

24 A. He was the one the evening and the morning
25 deal, both of them.

VIDEOTAPED ORAL DEPOSITION OF JUSTIN FRANK EJEM

Page 118

1 Q. He did a -- okay.

2 Every day he did two shifts?

3 A. Yeah.

4 Q. And who did the -- the third shift?

5 A. Some other dude.

6 Q. And did you tell that some other dude what had
7 happened and that you wanted to talk to your dad?

8 A. Yes, and he didn't do nothing.

9 Q. Who was that?

10 A. I don't -- I don't even remember his name.

11 Q. What did he look like?

12 A. He was another white guy.

13 Q. Was he tall or short?

14 A. He was kind of almost my height.

15 Q. And you told him that you'd been sexually
16 assaulted by Ethan?

17 A. Yes.

18 Q. And he -- what did he say?

19 A. He didn't do nothing.

20 Q. But what did he say when you told him, I was
21 sexually assaulted by Ethan? Did he ask you, What do
22 you mean? What happened?

23 A. No.

24 Q. I mean because sexual assault could mean a lot
25 of things, right?

VIDEOTAPED ORAL DEPOSITION OF JUSTIN FRANK EJEM

Page 124

1 A. Yes.

2 Q. Was it days or weeks?

3 A. Days.

4 Q. So -- so the first time Ethan
5 attacked -- sexually assaulted you, his dad came
6 and -- sorry. Let me start over.

7 Four days after Ethan sexually assaulted
8 you, your dad came and got you; is that right?

9 A. No.

10 Q. No?

11 A. The first day he sexual assaulted me, the staff
12 didn't do anything at all, didn't move us, didn't do
13 nothing.

14 Q. Uh-huh. And -- and -- and then what I think
15 you told me earlier that I was trying to confirm is that
16 between the time you -- you are telling us that you were
17 first sexually assaulted by Ethan you didn't talk to
18 your dad again until he came and picked you up. Is that
19 right?

20 A. Yeah. That was on the fourth day.

21 Q. The fourth --

22 A. Yes. That's the fourth day. That's when my
23 dad picked me up.

24 Q. Right. And so let me ask you this.

25 How many times did Ethan --

VIDEOTAPED ORAL DEPOSITION OF JUSTIN FRANK EJEM

Page 125

1 A. Try to --

2 Q. -- try to have sex with you?

3 A. He tried it three times, but the second time I
4 wouldn't let him because I told him, If you try doing it
5 again -- two more times you're going to get -- you're
6 going to get hurt. So he tried doing it the third and
7 fourth time -- he didn't get close to me on the third
8 time, he never did, because I told him, Stay away from
9 me, I don't want to get in trouble, I don't want -- I
10 don't want my level to drop and your level to drop, so
11 stay away from me, I don't want to get in trouble.

12 So he got pissed -- got mad, and the
13 fourth day when he tried to do it again I -- I just told
14 him, You just screwed up. He start -- tried to start
15 swinging at me first, so I had to swing back in -- in
16 self -- in self-defense.

17 Q. Okay. So let me make sure I understand.

18 One night you were minding your own
19 business, you're asleep --

20 A. Yes.

21 Q. -- and all of a sudden, about 10:00 o'clock, he
22 is actually putting his penis inside your bottom.

23 A. Yes.

24 Q. You've -- you pushed him off of you, you told
25 Matt --